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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,290	11/29/2000	John C. Goodwin III	9120.00	6321

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EXAMINER	
ABDULSELAM, ABBAS I	

ART UNIT	PAPER NUMBER
2677	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/727,290	GOODWIN ET AL.	
	Examiner	Art Unit	
	Abbas I. Abdulselam	2677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/17/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 11/17/05 have been fully considered but they are not persuasive.

Applicant argues that the cited reference, Cragun et al. (USPN 5504675) does not teach displaying the first information in response to said sensing step by a display of the kiosk to attract attention of the person to the first information of the display and to attempt to persuade the person to approach and the use the kiosk". Applicant also argues that Cragun fails to teach timing a time period of displaying the first information". Applicant further argues that Cragun does not teach "displaying second information which is less distinctive than the first information by the display if the person does not begin use of the kiosk within the time period".

However, as shown in the art rejection below, Cragun teaches as shown in FIG. 4 a processor first checks to determine if a person is in the immediate area of the kiosk unit, as represented by the decision box numbered 102 via proximity sensor. Cragun teaches a neural network processor, which invokes an "attract" determining net program that determines the best attract loop sales promotion program, which is designed for attracting the attention of passers-by. In this regard, Cragun discloses an attract loop with an especially appealing visual images (col. 5, lines 9-23 and Fig. 4 (104)).

Cragun teaches a predetermined short time interval elapsed before a screen was touched and elaborates interaction time (col. 5, lines 47-51, col. 5, lines 66 and col. 6, lines 1-5). Also note from Fig. 4 the time elapsed before a screen was touched at step (112) is looped with an original step of some one being present (102).

Cragun as discussed above teaches an attract loop with a especially appealing visual images, and indicates that if the touch-screen was not touched, a "false" outcomes at the decision box 112, then the neutral network processor next determines the best specific loop program and runs it or continues to run the present program if the recommended best program is already being run (col. 5, lines 31-36).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cragun et al. (USPN 5504675).

Regarding claim 1, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person within a predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying first information in response to sensing step by a display of the kiosk to attract attention of the person to the first information of the display and to attempt to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the first information; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displaying second information which is less distinctive than the first

information by the display if the person does not begin use of the kiosk within the time period (col. 5, lines 66, col. 6, lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102).

Regarding claim 2, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person within a predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying first information in response to sensing step by a display of the kiosk to attract attention of the person to the first information of the display and to attempt to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the first information; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displaying second information which is less distinctive than the first information by the display if the person n is no longer within the predetermined distance of the kiosk and the time period has expired (col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 3, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: displaying first information by a display of the kiosk; sensing a person passing within a predetermined distance of the kiosk by a proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying second information which is more distinctive than the first information by the display in response to said sensing step to attract attention of the person to the second information of the display and to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images)

timing a time period of displaying the second information; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displaying third information by the display if the person is no longer within the predetermined distance of the kiosk and the time period has expired(col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 4, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: displaying first information by a display of the kiosk; sensing a person passing within a predetermined distance of the kiosk by a proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) determining second information for display by the display which is more distinctive than the first information in response to said sensing step; wherein the second information attracts attention of the person to the second information of the display and to persuade the person to approach and use the kiosk; displaying the second information by the display; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period of displaying the second information to wait for the person to operate the kiosk; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) determining third information for display which is less distinctive than the second information when the person is no longer within the predetermined distance of the kiosk and the time period has expired; and displaying the third information by the display(col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 5, Cragun teaches a network kiosk comprising: a display for displaying information; (Fig. 1 (10)) a proximity sensor; and a computer which senses a person within a

predetermined distance of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displays first information in response to sensing the person to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) times a time period of displaying the first information, (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displays second information which is less distinctive than the first information if the person does not begin use of the kiosk within the time period (col. 5, lines 66, col. 6, lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102).

Regarding claim 6, Cragun teaches a network kiosk comprising: a display for displaying information; (Fig. 1 (10)) a proximity sensor; and a computer which senses a person within a predetermined distance of the kiosk, (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displays first information in response to sensing the person to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk, (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) times a time period of displaying the first information, (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displays second information which is less distinctive than the first information if the person is no longer within the predetermined distance of the kiosk and the time period has expired(col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

Regarding claim 7, Cragun teaches a network kiosk as recited in claim 6, wherein the proximity sensor comprises an ambient light sensor, which senses a drop in ambient light when the person is within the predetermined distance (col. 4, lines 29-35).

Regarding claim 8, Cragun teaches a method of attracting a person to a network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person passing within a predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying first information and displaying a sound in response to said sensing step to attract attention of the person to the first information of the display and to persuade the person to approach and use the kiosk; ((col. 5, lines 9-23, Fig. 4 (104), appealing visual images and sound track or statrling sounds), timing a time period of displaying the first information and playing the sound; (col. 5, lines 46-56, Fig. 4 (118) and interaction time) displaying second information which is less distinctive than the first information and stopping the sound if the person does not begin use of the kiosk within the time period(col. 5, lines 66, col. 6, lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulselam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764.The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas Abdulselam

Examiner

Art Unit 2677

January 12, 2006

AMR A. AWAD
PRIMARY EXAMINER